

ORAL ARGUMENT SCHEDULED FOR SEPTEMBER 30, 2025

No. 25-5202

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

LEARNING RESOURCES, INC.; HAND2MIND, INC.,
Plaintiffs-Appellees,

v.

DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES, IN HIS OFFICIAL
CAPACITY; KRISTI NOEM, SECRETARY OF THE DEPARTMENT OF HOMELAND
SECURITY, IN HER OFFICIAL CAPACITY; UNITED STATES DEPARTMENT
OF HOMELAND SECURITY; SCOTT BESSANT, SECRETARY OF THE
TREASURY, IN HIS OFFICIAL CAPACITY; UNITED STATES DEPARTMENT
OF THE TREASURY; HOWARD W. LUTNICK, SECRETARY OF
COMMERCE, IN HIS OFFICIAL CAPACITY; UNITED STATES DEPARTMENT
OF COMMERCE; RODNEY S. SCOTT, COMMISSIONER OF CUSTOMS &
BORDER PROTECTION, IN HIS OFFICIAL CAPACITY; UNITED STATES
CUSTOMS AND BORDER PROTECTION; JAMIESON GREER, U.S.
TRADE REPRESENTATIVE, IN HIS OFFICIAL CAPACITY; OFFICE OF THE
UNITED STATES TRADE REPRESENTATIVE,

Defendants-Appellants.

On Appeal from the United States District Court for the District of
Columbia, No. 25-cv-01248-RC

**WENTONG ZHENG MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF
IN SUPPORT OF PLAINTIFFS-APPELLEES**

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT

JUL 28 2025

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Pursuant to DC Circuit Rule 29(a)(3), Wentong Zheng respectfully moves the Court for leave to submit an *amicus curiae* brief in support of Plaintiffs-Appellees in this case.

IDENTITY AND INTEREST OF PROPOSED *AMICUS CURIAE*

Wentong Zheng is a University of Florida Research Foundation Professor at the University of Florida Levin College of Law. A legal scholar in international trade law, international business transactions, antitrust and competition policy, international intellectual property, and commercial law, Wentong Zheng has an interest in ensuring that the laws of the United States are accurately presented and analyzed in this case. The proposed brief does not support or oppose any particular trade policy. The brief is in support of Plaintiffs-Appellees only because the legal analyses presented in the brief lead to that outcome.

NECESSITY OF PROPOSED BRIEF

The proposed brief addresses an issue that the district court below and the parties and all other *amici* in this appeal have not addressed. It argues that the interpretation of the power to regulate importation under the International Emergency Economic Powers Act (“IEEPA”) should be informed by Congress’ explicit grant of an authority to the President to proclaim modifications of tariffs

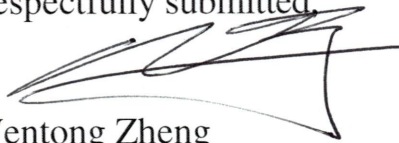
when entering into market-opening trade agreements. The proposed brief argues that regardless of whether the power to regulate under IEEPA encompasses the power to set tariffs, that power should not be interpreted to allow the President to impose tariffs for the purpose of entering into market-opening trade agreements, given that Congress unambiguously allowed the President's tariff proclamation authority to expire on July 1, 2021. The proposed brief elaborates on this argument and will help the Court decide on the merits of the case.

NECESSITY OF SEPARATE BRIEF

A separate brief from the proposed *Amicus* is necessary because the proposed *Amicus* does not fully agree with other *Amici* in this case on many of the arguments they will present in this case.

Accordingly, Wentong Zheng respectfully requests that this Court grant leave to file an *amicus* brief in this matter.

Respectfully submitted,



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